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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,638	03/10/2004	Gordon L. Kelling	70-85	4758
7590	02/01/2005		EXAMINER	
Joseph F. Hetz BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			DOLINAR, ANDREW M	
			ART UNIT	PAPER NUMBER
			3747	

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n N .

10/797,638

Applicant(s)

KELLING ET AL.

Examiner

Andrew M. Dolinar

Art Unit

3747

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 August 2004 and 12 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-10, 12, 14-18 and 20-25 is/are rejected.
- 7) ☒ Claim(s) 11, 13 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/12/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement filed on October 12, 2004 does not fully comply with the requirements of 37 CFR 1.98. No copies of references A54, A55 and A67 have been found in the prior applications relied on for an earlier filing date under 35 U.S.C. 120. References A54, A55 and A66 appear to be redundant citations. Reference A68 is not identified to the extent required by 37 CFR 1.98(b).

Since the submission appears to be *bona fide*, applicant is required to supply the above mentioned omissions or corrections in the information disclosure statement within the set period for reply to this Office action. Failure to timely comply with this notice will result in the above mentioned information disclosure statement being placed in the application file with the noncomplying information **not** being considered. See 37 CFR 1.97(i).

### ***Affidavit/Declaration***

The declaration under 37 CFR 1.132 filed August 31, 2004 is sufficient to overcome the rejection of claims 6-25 based upon U.S. Patent Application Publication No. 2001/0025618 A1.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3747

Claims 6-10, 12, 14-18 and 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn (US 6,020,716) in view of Rozon (US 5,589,292).

Dunn discloses the claimed invention except for express disclosure of charging the capacitor with the electrical system of another engine, the specific capacitance and internal resistance of the capacitor and/or the charging device powered by alternating current. Use of capacitors is disclosed at column 3, lines 33-38. Rozon teaches that it is known to carry a booster power supply to a car with a dead battery (column 1, line 66, to column 2, line 2) and to charge the energy storage device from an automobile (column 3, lines 39-49). An automobile conventionally includes charging device powered by alternating current.

Regarding claims 6, 12, 18 and 22-25, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the capacitor engine starting apparatus of Dunn so as to be charged from an automobile and thereafter using it to start another car with a dead battery, as taught by Rozon, in order to obtain power from a convenient source.

Regarding claims 7-10, 14-17, 20 and 21, it would further have been obvious to use a capacitor having capacitance and internal resistance in the range of claims 7-10, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233 (CCPA 1955).

Claims 18 and 20-22 are provisionally rejected under 35 U.S.C. 103(a) as being unpatentable over the KBI Kapower Installation Operation Manual and/or the KBI Kapower Supercapacitors brochure cited by applicant. The KBI publications disclose a capacitor as specified. The information regarding the dates of these disclosures as provided by applicant

Art Unit: 3747

indicates that they may qualify as prior art under one or more sections of 35 U.S.C. 102. In the absence of evidence to the contrary, the disclosures are presumed to qualify as prior art. An engine electrical system conventionally includes charging device powered by alternating current. Therefore, connecting the capacitor device to an existing engine electrical system as suggested by the KBI publications would result in a power supply apparatus as claimed.

#### ***Allowable Subject Matter***

Claims 11, 13 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Applicant's arguments filed August 31, 2004 have been fully considered but they are not persuasive. The arguments are moot with respect to claims 6-10, 12, 14-18 and 20-25 in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew M. Dolinar whose telephone number is (571) 272-4840. The examiner can normally be reached on Mon. - Thu. 7:45 - 6:15.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on (571) 272-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3747

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Andrew M. Dolinar  
Primary Examiner  
Art Unit 3747

AMD